

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:22-cr-00097

RANDY PRICE

UNITED STATES' RESPONSE TO DEFENDANT'S FIRST MOTIONS IN LIMINE

Defendant Randy Price ("Price") filed omnibus motions *in limine*. See ECF No. 27. The United States responds to each below:

With respect to his motion to exclude evidence of his prior convictions, the United States does not intend to introduce evidence of Price's prior convictions in its case-in-chief, if he stipulates before trial that at all times relevant he was a convicted felon. Further, the United States will only seek to cross-examine Price with his prior convictions should he open the door and as otherwise permitted under the FRE, such that Price's motion should be denied as moot.

With respect to his motion to permanently bar the United States from introducing 404(b) evidence at his trial, the United States notes that its cited discovery request preserved its right to file a 404(b) notice. Should the United States seek to introduce any 404(b) notice, it will file the requisite notice at an appropriate time. Accordingly, Price's motion should be denied.

With respect to his motions to exclude incident reports and certain police line-up or booking photograph evidence, the United States does not seek to introduce any such evidence except as noted in Price's motions, such that his motions should be denied as moot.

Finally, with respect to his motion to exclude "lay opinion testimony of officers," the United States does not seek to introduce any police officer's opinions that are not based on his or

her own perceptions, such that any introduced testimony would not violate FRE 701. Accordingly, Price's motion should be denied as moot.

Respectfully submitted,

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By:

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing “RESPONSE OF THE UNITED STATES TO DEFENDANT’S FIRST MOTIONS IN LIMINE” has been electronically filed and service has been made on all counsel of record this the 19th day of September, 2022 upon:

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